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Federal Communications Commission Office of Secretary

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701 Pennsylvania Avenue, N W

Washington, D C 20004

September 30, 2003

## By Hand

Marlene H. Dortch, Secretary Federal Communications Commission 445 12th Street, S.W Washington, D.C. 20554

Re: Wireless Telecommunications Bureau Seeks Comment on MariTEL, Inc. Request to Extend Construction Deadline for Certain VHF Public Coast Station Geographic Area Licenses;

DA 03-1484;

**Notice of Oral Ex Parte Presentation** 

Wireless Telecommunications Bureau Seeks Comment on MariTEL, Inc. Petition for Declaratory Ruling Regarding the Use of Maritime VHF Channel 88;

DA 03-2223;

**Notice of Oral Ex Parte Presentation** 

In the Matter of Amendment of the Commission's Rules to Promote the Use of VHF Public Coast Station Frequencies;

RM-10743

Notice of Oral Ex Parte Presentation

## Dear Ms. Dortch:

The purpose of this letter, pursuant to the provisions of Section 1.1206(b)(2) of the rules of the Federal Communications Commission ("FCC" or "Commission") and the Public Notices in the above referenced proceedings dated June 7, 2003, July 9, 2003 and July 1, 2003, respectively, is to provide notice of an oral *ex parte* communication that occurred on September 29, 2003.

In particular, on that date, Dan Smith, president and CEO of MariTEL, Inc. ("MariTEL") and I met with Catherine Seidel, Shellie Blakeney, Scot Stone, Tim Maguire and James Schaffer, all of the Wireless Telecommunications Bureau. Our meeting covered a range of issues of

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interest to MariTEL. With respect to DA 03-1484, we noted that the recent actions of the United States Coast Guard ("USCG"), terminating discussions with MariTEL regarding the frequency assignments desired for use by the USCG pursuant to the provisions of Section 80.371 of the FCC's rules made it critical that the FCC act expeditiously to grant MariTEL's request. With respect to DA 03-2223 and RM 10743, we urged that the FCC take prompt action to resolve the issues raised in those proceedings.

Attached is a document circulated at the meeting, outlining the timeline of negotiations and other relevant events related to the USCG's and MariTEL's compliance with the provisions of Section 80.371 of the rules.

If there are any questions related to this matter, please contact me directly.

Cordially yours,

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Russell H. Fox

## Attachment

cc: Ca

Catherine Seidel
Scot Stone
Tim Maguire
James Schaeffer
Shellie Blakeney
Jeffrey Tobias
Keith Fickner
Maria Ringold
Qualex International

87B, 88B designated by ITU for 97 International AIS use on high seas. CG petitions FCC to set aside (2) or more 12.5 kHz duplex, offset channels 98 for use in PAWSS, and 228B nationwide. 99 MariTEL awarded all (9) maritime VPC Initial 80.371 CG request to MariTEL licenses auctioned by FCC. Significantly more than (2) 12.5 kHz channels Notice of negative impact to 00 commercial use of ch. 87 MarITEL & CG MOA: Spent over \$1 MM to ensure General framework for consensus narrowband AIS capabilities used to specify ch. 87 A/B for AIS in 01 PAWSS on 12.5 kHz basis (now MariTEL/CG mtg, discussed CG's plan to known as ch. 487) switch AIS transponders in VTS areas to 12.5 kHz duplex. CG rejects MariTEL's request to reach a definitive agreement regarding the CG letter from Joe Hersey to FCC MOA. requesting Public Notice for wideband, simplex use of channel 87B FCC issues Public Notice regarding 02 inappropriately referencing the MOA as CG's use of ch. 87B. providing concurrence from MariTEL MariTEL engages the CG to define MOA CG notifies MariTEL of desire for 25 implementation parameters and kHz simplex and believes MOA understand future needs; no CG provides all that is and will be needed. consensus for 12.5 kHz vs. 25 kHz AIS. 03 MariTEL terminates MOA: MariTEL / CG mtg in GA for resolution: Hait carriage requirement until a MariTEL proposes several solutions frequency agrmt is reached CG suggests MariTEL provide an Notify other domestic & unsolicited proposal international agencies No resolution; CG & SLSDC plan to move forward regardless SLSDC/ DOT states MOA gives them rights regardless of termination; no MariTEL requests extension of FCC buildplans to change. out requirement to finalize AIS frequency issues/ oppty. IALA accepts interference paper from MariTEL: consensus that quard band MariTEL petitions FCC to rescind/ clarify spectrum is a likely requirement. Public Notice to correct misrepresentation & termination of MOA CG request for "frank & open discussions" results in ultimatum to CG severs all 80.371 negotiations; CG & MariTEL for an "informal, best & final NTIA to pursue "other" undisclosed package solution". In any instance, actions to take ch. 87B for 25 kHz simplex CG plans to move forward. MariTEL. operations. No feedback provided about provided solution framework within 2 the "informal package solution". waeks.